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EXAMINER	
TARAE, CATHERINE MICHELLE	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/053,623	GUENTHER ET AL.	
	Examiner	Art Unit	
	C. Michelle Tarae	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-11,13-18 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-11,13-18 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Final Office Action in response to the communication received on October 3, 2006. Claims 6, 12 and 19 have been canceled. Claims 1 and 7 have been amended. Claim 20 has been added. Claims 1-5, 7-11, 13-18 and 20 are now pending in this application.

Response to Amendments

2. Applicant's amendments to claims 1 and 7 are acknowledged. The cancellation of claims 6, 12 and 19 is acknowledged. The addition of claim 20 is acknowledged.

Response to Arguments

3. Applicant's arguments with regard to the 35 U.S.C. 112, second paragraph rejection have been fully considered and are found persuasive. Therefore, the 35 U.S.C. 112, second paragraph rejection of claims 1-5, 7-11, 13-18 is withdrawn.

Applicant's remaining arguments have been fully considered, but are found unpersuasive. In the Remarks, Applicant argues that Ho does not teach interviewing subject matter experts... However, Examiner respectfully submits this argument is moot as Examiner applied a 35 U.S.C. 103 rejection for this limitation. Furthermore, it appears that Applicant is making an attempt to challenge Examiner's Official Notice that subject matter experts are old and well known. There are minimum requirements for a challenge to Official Notice:

(a) In general, a challenge, to be proper, must contain adequate information or arguments so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice

(b) Applicants must seasonably traverse (challenge) the taking of Official Notice as soon as practicable, meaning the next response following an Office Action. If an applicant fails to seasonably traverse the Official Notice during examination, his right to challenge the Official Notice is waived.

In this case, Applicant has not provided adequate information or arguments so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice. Therefore, the presentation of a reference to substantiate the Official Notice is not deemed necessary. The Examiner's taking of Official Notice has been maintained.

Bald statements such as, "the Examiner has not provided proof that this element is well known" or "applicant disagrees with the Examiner's taking of Official Notice and hereby requests evidence in support thereof", are not adequate and do not shift the burden to the Examiner to provide evidence in support of the Official Notice.

Finally, in the Remarks, the remainder of Applicant's arguments is with respect to the newly added limitations. Examiner has addressed Applicant's arguments to the new limitations in the updated rejection provided below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5, 7-11, 13-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al. (U.S. 6,213,780).

As per claim 1, Ho et al. discloses a method for role analysis in an organization, comprising:

determining categories of roles of the organization (col. 5, lines 2-11; An organizational chart is used to represent different categories of roles in an organization, where each category is represented by each level in the hierarchy of the organizational chart. For example, the highest level of the organizational chart is the management category representing roles such as chief technology officer. Another level in the hierarchy represents the category of senior technical staff, where another level represents the category of junior technical staff.);

reviewing documents related to the roles of the organization (col. 7, lines 59-67; col. 8, lines 13-16 and 44-57; A database of documents related to the roles of the organization is maintained. Documents may be extracted from the database for review.);

obtaining information on core tasks, formal training, technical knowledge, process knowledge, and problem solving skills of the roles of the organization (col. 5,

lines 49-67; Information on core job functions (i.e., tasks), training, and knowledge required for each position/role is obtained and stored in the database. An example of the tasks, knowledge and skills associated with a circuit designer is provided.);

creating one or more role analysis profiles based on the reviewed documents and the obtained information, wherein each of the role analysis profiles are organized to comprise a list of at least one core task, a list of at least one formal training requirement, a list of at least one process knowledge requirement, a list of at least one technical knowledge requirement, and a list of at least one problem solving skill (col. 2, lines 49-56; col. 4, lines 26-34 and 44-60; col. 18, lines 47-65; Figures 1-4, 7 and 17; The computer performs role analysis by analyzing the organization chart, which includes the profiles of the positions/roles within the organization and their job functions and related documents. The role profile includes a list of all of the requirements a user needs to fit the role profile.);

validating the created role analysis profiles (col. 5, lines 17-23; col. 6, lines 43-49 and 58-67; Role profiles are validated by being labeled as standards in the industry. Role analysis profiles are further validated by establishing requirements and criteria for each profile that a user must have to perform the job functions associated with the role.); and

creating final role analysis profiles based on the validation (col. 2, lines 44-56; col. 4, lines 58-60; Final role analysis profiles are stored in the database and are used by the computer to automatically indicate to a user what learning materials they need to perform a certain role.).

Ho et al. does not expressly disclose interviewing subject matter experts of the organization using at least in part core task templates. However, Ho et al. does disclose identifying skills, knowledge and training needed to perform a particular job associated with a role (col. 2, lines 40-43 and 49-52; col. 5, lines 56-67; col. 18, lines 47-65; Figure 4), which is information commonly obtained from subject matter experts in order to make the determination of what skills, knowledge and training are needed to perform a particular job associated with a role. It is old and well known in the art of human resource management to either have subject matter experts for job roles in an organization or to at least maintain such information from subject matter experts (like managers) to be able to accurately and effectively place people in appropriate roles in an organization (col. 2, lines 31-43). Also, Ho et al. does disclose using templates to extract and organize the documents that represent a company's knowledge (col. 8, lines 28-34). It is old and well known in the art of information management to use templates to streamline the process of gathering information. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Ho et al. to interview subject matter experts of the organization using at least in part core task templates in order to streamline the information gathering process from subject matter experts in order to gain accurate and comprehensive knowledge about the requirements of certain roles in an organization to ensure accurate placement of individuals into those roles, which aligns with a main goal of Ho et al., which is to provide individuals with the information (via training) necessary to fill a particular role (col. 2, lines 14-16).

As per claim 2, Ho et al. does not expressly disclose the method of claim 1, wherein the determining step further comprises: consulting with one or more managers of the organization to determine categories of roles. However, Ho et al. does disclose identifying skills, knowledge and training needed to perform a particular job associated with a role (col. 2, lines 40-43 and 49-52; col. 5, lines 56-67; Figure 4), that managers and the positions of their employees are identified on an organization chart (col. 5, lines 5-16), and further, that some companies retain such information in their human resources department (col. 2, lines 35-36), which would require consulting with managers, including from the human resources department for example, in order to make the determination of what skills, knowledge and training are needed to perform a particular job associated with a role. Additionally, it is old and well known for the human resources department as well as department managers to aid in the determination of categories of roles for an organization. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Ho et al. to consult with managers of an organization to determine categories of roles as managers are usually most familiar with the skills, knowledge and training needed to perform particular jobs associated with a role, and are thus, most familiar with what categories of roles the organization is in need of or has a surplus of.

As per claim 3, Ho et al. discloses the method of claim 1, wherein the determining step further comprises: determining an audience segment in the organization based on the categories to gather data related to roles of the organization (col. 6, lines 51-57; The computer identifies an audience segment based on the needs

of an organization relating to particular roles within the organizational chart. For example, the computer can identify sales personnel that need to understand the Russian culture in order to sell products in Russia.).

As per claim 4, Ho et al. discloses the method of claim 3, wherein determining an audience segment further comprises: identifying subject matter experts in the organization based on the audience segment (col. 6, lines 50-57; The computer identifies sales personnel who do not have the skills, knowledge or training to understand the Russian culture to sell products in Russia. Thus, it follows that since the learning determinator decides which user to present materials on Russian culture to, the learning determinator distinguishes between users who have skills, knowledge or training (i.e., subject matter expertise) and those that do not.).

As per claim 5, Ho et al. discloses the method of claim 1, wherein reviewing documents further comprises: reviewing documents that comprise processes, position descriptions, learning content, or product manuals (col. 7, lines 55-67).

As per claim 7, Ho et al. does not expressly disclose the method of claim 1, wherein the interviewing step further comprises: recording the obtained information on core task templates. While Ho et al. does not expressly disclose the use of templates to record task information during interviewing, Ho et al. does disclose categorizing task information (i.e., job information) in the database based on the organization chart where each job is placed in a hierarchical category (col. 5, lines 2-16 and 56-62; col. 8, lines 51-54), thus providing an organized and structured way of maintaining the job information. It is old and well known that templates are used to streamline the gathering

of data and make creation and access of data easier. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Ho et al. to include task templates to obtain information during interviewing as templates would enhance the organization of the jobs in the database and improve the ease of maintenance and retrieval of the hierarchy of jobs, since templates are known to streamline the gathering, creation and access of data (as proven by Ho et al. in its use of templates for maintaining its learning documents; col. 8, lines 28-40).

As per claim 8, Ho et al. discloses the method of claim 1, wherein creating one or more role analysis profiles further comprises: determining one or more core tasks of the one or more role analysis profiles (col. 5, lines 56-62; Each role profile has associated jobs to be performed (i.e. core tasks).).

As per claim 9, Ho et al. does not expressly disclose the method of claim 8, wherein determining one or more core tasks further comprises: compiling interview information from core task templates, the analysis of which is provided above in claim 1.

As per claims 10 and 11, Ho et al. discloses grouping core tasks by common core tasks or common audience segment to create the one or more role analysis profiles (col. 5, lines 2-16 and 56-62; Figures 3 and 4; Jobs (i.e. core tasks) are grouped according to positions based on the organization chart. Thus, each hierarchy in the organization chart represents grouping of tasks and grouping of positions (i.e., audience segment) within an organization. For example, junior technical staff are on the same level in the hierarchy and have the same position and same job functions.). Ho et al. does not expressly disclose the method of claim 9, wherein compiling information

further includes: grouping core task *templates*. While Ho et al. does not expressly disclose the use of templates to record task information, Ho et al. does disclose categorizing task information (i.e., job information) in the database based on the organization chart where each job is placed in a hierarchical category (col. 5, lines 2-16 and 56-62; col. 8, lines 51-54), thus providing an organized and structured way of maintaining the job information. It is old and well known that templates are used to streamline data and make creation and access of data easier. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Ho et al. to include task templates as templates would enhance the organization of the jobs in the database and improve the ease of maintenance and retrieval of the hierarchy of jobs, since templates are known to streamline the creation and access of data (as proven by Ho et al. in its use of templates for maintaining its learning documents; col. 8, lines 28-40).

Additionally, Ho et al. does not expressly disclose interviewing, the analysis of which is provided above in claim 1.

As per claims 13-16, Ho et al. does not expressly disclose the method of claim 1, wherein validating the one or more role analysis profiles comprises: reviewing the one or more created role analysis profiles with subject matter experts and managers and modifying the one or more reviewed role analysis profiles based on the received feedback. However, the analysis for interviewing subject matter experts and consulting with managers of the organization to determine role analysis profiles is provided above in claims 1 and 2. At the time of the invention, it would have been obvious to a person

of ordinary skill in the art for the system of Ho et al. to validate the role analysis profiles by reviewing the profiles with subject matter experts and managers of the organization as subject matter experts and managers of the organization are usually most knowledgeable about and familiar with the skills, knowledge and training needed to perform particular jobs associated with a role. Having people with the most knowledge about the skills, knowledge and training needed to perform particular jobs associated with a role, validate role profiles, enhances the effectiveness and accuracy of the content of the organizational chart maintained by the organization. The effectiveness and accuracy of the content of the organizational chart is important to the system of Ho et al. as Ho et al. uses the organizational chart to track all of the role profiles of the organization (col. 5, lines 2-16) and determine whether or not individuals are suited for those role profiles (col. 2, lines 49-56).

As per claim 17, Ho et al. discloses the method of claim 1, further comprising: determining desired training for one or more members of the organization based on the one or more final role analysis profiles (col. 3, lines 15-19; col. 6, lines 43-57).

As per claim 18, Ho et al. discloses the method of claim 1, further comprising: determining skill gaps in the organization based on the one or more final role analysis profiles (col. 6, lines 50-57; col. 14, lines 49-58; The computer identifies the skills (i.e., knowledge, training, experience, etc.) that a user is lacking by comparing the user's profile to an identified job profile (i.e., final role analysis profile); For example, the computer identifies sales personnel who do not have the skills, knowledge or training to

understand the Russian culture to sell products in Russia; thus, the computer identifies skill gaps for users.).

As per claim 20, Ho et al. discloses the method of claim 18, wherein determining skill gaps comprises:

receiving data on an individual's qualifications (col. 19, lines 1-22; Figure 19; The system receives data on an individual's profile, or qualifications.);

organizing the data on the individual's qualifications according to the individual's formal training, technical knowledge, process knowledge, and problem solving skills (col. 5, lines 49-67; An individual's qualifications are organized according to training, knowledge and skills.); and

comparing the individual's formal training, technical knowledge, process knowledge, and problem solving skills with the formal training, technical knowledge, process knowledge, and problem solving skills of the one or more final analysis profiles (col. 18, line 47-col. 19, line 22; The individual's specific qualifications are compared to a final analysis profile to determine whether the individual is a good match for the job position.).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hollingsworth (U.S. 6,157,808) discusses an employee certification and training program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Michelle Tarae
Patent Examiner
Art Unit 3623

December 8, 2006